

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 2:17-mj-562**

**ERIC BRIAN BROWN,**

**Defendant.**

**ORDER**

On December 15, 2017, upon motion of United States of America ("the Government"), pursuant to Title 18, United States Code, Section 4241(a), the Court entered an Order committing Defendant Eric Brian Brown ("Defendant") to a federal medical facility for examination by a qualified mental health provider in order to determine whether Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. ECF No. 17. On December 20, 2017, Defendant was transported to the Federal Medical Center ("FMC") in Lexington, Kentucky. On January 2, 2018, the Court received via U.S. Certified Mail, a written request dated December 21, 2017 from the FMC Warden requesting a fifteen day extension of the original thirty day commitment period authorized by the December 15, 2017 Order of Court to complete the Defendant's evaluation. In support of its request, the FMC Warden stated that at the time of Defendant's arrival on December 20, 2017, FMC had received a large number of evaluations and its staff required additional time to perform a thorough evaluation of Defendant and generate a complete report. The Court will treat FMC's written request as a non-party's Motion for Miscellaneous Relief and instruct the Clerk's Office to docket the request as such.

Upon consideration of FMC's written request, and pursuant to 18 U.S.C. § 4247(b), the Court **FINDS** that there is good cause to **GRANT** FMC's Motion for Miscellaneous Relief. Accordingly, the December 15, 2017 Order of Court committing Defendant to the custody of the Attorney General is **AMENDED** such that Defendant's allowable period of commitment is **EXTENDED** by the requested fifteen days, or for a total commitment period of forty-five days from the date of Defendant's arrival at FMC. Defendant's evaluation shall be completed by February 2, 2018 and the report provided to the Court by no later than March 2, 2018. Upon completion of the evaluation, the United States Marshals Service will, as soon as practicable, transport Defendant back to his previous location of incarceration within the Eastern District of Virginia. All other terms and provisions of the December 15, 2017 Order (ECF No. 17) shall remain in full force and effect pending further Order of Court.

The Clerk is **DIRECTED** to forward a copy of this Order to the United States Attorney, the United States Marshal, the United States Pretrial Services Office, and counsel of record for Defendant, and to fax a copy of this Order to the FMC Warden at the fax number provided on its written request.

The Clerk is further **DIRECTED** to file FMC's written request as a nonparty Motion for Miscellaneous Relief.

It is so **ORDERED**.

  
LAWRENCE R. LEONARD  
UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia  
January 3, 2018